United Nations A/56/351–S/2001/863

General Assembly
Security Council

Distr.: General
14 September 2001

Original: English

General Assembly
Fifty-sixth session
Item 62 of the provisional agenda*
Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Fifty-sixth year

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the sixth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

* A/56/150.

** The present report covers the period from 1 July 2000 to 30 June 2001.

01-53621 (E) 231001

Sixth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

For the period from 1 July 2000 to 30 June 2001

Contents

		Paragraphs	*Page*
I.	Introduction	1–7	3
II.	The Chambers	8–74	3
	A. Composition of the Chambers	8–12	3
	B. Judicial activities of the Chambers	13–71	4
	C. Regulatory activities of the Chambers	72–74	12
III.	The Bureau	75–77	13
IV.	Office of the President	78–90	13
V.	Office of the Prosecutor	91–127	15
VI.	The Registry	128–210	19
	A. Judicial and Legal Services Division	151–192	22
	B. Division of Administration	193–210	27
VII.	Conclusion	211–216	30

I. Introduction

1. During the period under review, the International Criminal Tribunal for Rwanda (ICTR) rendered one trial judgement, bringing the total number of trials completed thus far to eight, involving nine accused persons. A further six trials involving 15 accused have commenced and are currently proceeding. Consequently, 24 of the 48 persons presently detained have either been tried or are in the midst of trials. Twelve new indictments were confirmed and six new arrests and transfers to the Tribunal were effected.

2. The Appeals Chamber decided four appeals on the merits, 14 interlocutory appeals and four requests for review during the period under review. The convictions and sentences handed down by the Trial Chambers in respect of four persons were affirmed on appeal.

3. Judges of all three Trial Chambers and the Appeals Chamber participated in the ninth and tenth plenary sessions held by the Tribunal. During these plenary sessions, matters of policy, procedure and planning were extensively discussed. Amendments to the Tribunal's Rules of Procedure and Evidence were adopted, with a view to expediting trials without compromising fair trial procedure and also in accordance with recommendations made by the Expert Group (see A/54/634). At the tenth plenary session, the elections of the President and the Vice-President of the Tribunal were held.

4. The judges of the Tribunal and of the International Tribunal for the Former Yugoslavia (ICTY) held a joint seminar in October 2000, under the auspices of the Government of the United Kingdom of Great Britain and Northern Ireland. The objective of the seminar was to discuss challenges common to both Tribunals and issues such as the harmonization of the jurisprudence and procedure of both Tribunals.

5. During the period under review, the Prosecutor refined her strategy for conducting investigations and trial preparation. The Prosecutor has recently communicated her future investigation programme and her intention to prosecute 136 new suspects by 2005. It should be recalled that in its report, the Expert Group anticipated a heavy workload for the Tribunal and drew attention to the need to make the necessary provision to handle this workload. Consequently, the President of the Tribunal has addressed a request to the Secretary-General, to be forwarded to the Security Council, for the provision of ad litem judges (A/56/265-S/2001/764, annex). This request is similar to the solution adopted for ICTY by the Security Council in its resolution 1326 (2000).

6. During the period under review, the Secretary-General appointed a new Registrar to the Tribunal. A new Chief of Administration also took office during the period. The administrative functions performed by the Registry and the judicial support that was rendered to the Chambers were maintained without interruption during the transition phase and have been considerably enhanced since the appointment of the senior managers.

7. The present report reviews the main activities of the Chambers, the Office of the Prosecutor, the Registry and the Administration as well as the cooperation received from States and various institutions.

II. The Chambers

A. Composition of the Chambers

8. The Chambers are composed of 16 independent judges, with three judges serving in each of the three Trial Chambers and seven judges serving in the Appeals Chamber.[1] The Appeals Chamber comprises five of its seven members when it sits on appeal or review.

9. On 24 April 2001, the General Assembly elected two new judges, Judge Winston Churchill Matanzima Maqutu of Lesotho and Judge Arlette Ramaroson of Madagascar, to serve in the Trial Chambers. After these newly elected judges took up office, the President, Judge Navanethem Pillay, assigned Judge Mehmet Güney of Turkey and Judge Asoka de Zoysa Gunawardana of Sri Lanka to serve as members of the Appeals Chamber.[2]

10. Upon the death of the Presiding Judge of Trial Chamber II, Judge Laïty Kama, on 6 May 2001, the Secretary-General, on 31 May 2001, appointed Judge Andrésia Vaz of Senegal to serve the remainder of the late Judge Laïty Kama's term of office. Judge William H. Sekule was elected Presiding Judge of Trial Chamber II, pursuant to article 13, paragraph 3, of the Tribunal's Statute.

11. On 6 June 2001, the President, in accordance with article 13 of the Statute of the Tribunal and after having consulted the judges, assigned judges to the Trial Chambers, as follows:

(a) Trial Chamber I is composed of Judge Navanethem Pillay (South Africa), presiding; Judge Erik Møse (Norway); and Judge Asoka de Zoysa Gunawardana (Sri Lanka). Judge Gunawardana was replaced by Judge Andrésia Vaz (Senegal) on 9 July 2001;

(b) Trial Chamber II is composed of Judge William Hussein Sekule (United Republic of Tanzania), presiding; Judge Winston Churchill Matanzima Maqutu (Lesotho); and Judge Arlette Ramaroson (Madagascar);

(c) Trial Chamber III is composed of Judge Lloyd George Williams (Jamaica, Saint Kitts and Nevis), presiding; Judge Pavel Dolenc (Slovenia); and Judge Yakov Arkadievich Ostrovsky (Russian Federation).

12. The Appeals Chamber is composed of Judge Claude Jorda (France), presiding; Judge Lal Chand Vohrah (Malaysia), Judge Mohamed Shahabuddeen (Guyana), Judge Rafael Nieto-Navia (Colombia), Judge Fausto Pocar (Italy), Judge Mehmet Güney (Turkey) and Judge Asoka de Zoysa Gunawardana (Sri Lanka).

B. Judicial activities of the Chambers

Trial Chamber I

The Prosecutor v. Ferdinand Nahimana (ICTR-96-11-T), Jean-Bosco Barayagwiza (ICTR-97-19-T) and Hassan Ngeze (ICTR-97-27-T), referred to as the "Media" case

13. This trial commenced before Trial Chamber I on 26 October 2000 and continued to 9 November 2000. The hearings resumed on 5 February 2001 and proceeded until 12 July 2001. The Prosecutor presented 25 witnesses and intends to call further witnesses from a list of 97. However, the list will change considerably depending on the availability and willingness of some of the witnesses to testify, as well as efforts made by the Trial Chamber to control the number of necessary witnesses for trial purposes.

14. The Trial Chamber rendered decisions on 25 motions, several of which were rendered orally in order to save time. These motions included attempts by two accused persons in the course of the trial to change the defence counsel who had been assigned to them on the basis of indigence. Barayagwiza instructed his defence counsel not to represent him at trial and he has chosen to boycott his trial. The Trial Chamber denied counsel's motion that based on codes of ethics they should be allowed to comply with their client's wishes, and ordered their continued participation. Despite the Trial Chamber's ruling, counsel subsequently withdrew from the case. The Trial Chamber directed the Registrar to permanently remove the said counsel from the Tribunal's list of counsel compiled to represent indigent accused. Even though Barayagwiza has decided not to be present during his trial, the Trial Chamber, in the interest of justice, ensured that new counsel was assigned to represent him. Ngeze has previously dismissed four sets of his assigned counsel. His request for a fifth change of counsel was denied. He was, however, permitted to conduct part of the cross-examination of one of the witnesses.

15. Material subjected to disclosure included more than 600 witness statements, 600 audio cassettes and approximately 500 other documents, out of which 250 items have thus far been tendered as exhibits during trial. The Trial Chamber held periodic status conferences and issued scheduling orders in respect of the numbers, nature and content of documents and exhibits that were subject to disclosure, and gave directions on matters related to translation, copies and transcripts.

The Prosecutor v. Ignace Bagilishema (ICTR-95-1-T)

16. During the period under review, Trial Chamber I heard closing submissions in September and October 2000 in the aforementioned case. On 19 October 2000, the trial was adjourned for the Trial Chamber's deliberations and preparation of its judgement. On 7 June 2001, the Trial Chamber, in its judgement consisting of 450 pages, acquitted Ignace Bagilishema of all charges. It subsequently ordered Bagilishema's conditional release, after having considered the Prosecutor's motion for a new warrant of arrest and an order for his continued detention, pending the finalization of the Prosecutor's appeal against the judgement. In spite of the Trial Chamber's order for provisional release, Bagilishema is having problems obtaining entry into any country, pending the appeal.

The Tribunal has grave concern for the plight of accused persons who are subsequently acquitted and urges the international community to open their borders to them.

The Prosecutor v. Elizaphan Ntakirutimana, Gerard Ntakirutimana and Charles Sikubwabwo (ICTR-96-10-I and ICTR-96-17-I), referred to as the "Kibuye" case

17. During the period under review, Trial Chamber I conducted the initial appearance of Elizaphan Ntakirutimana, the hearings of four motions and pre-trial conferences. The Trial Chamber granted the Prosecutor's motion to join the two indictments and denied the defence's challenge to the jurisdiction of the Tribunal. The trial is scheduled to commence on 17 September 2001.

Trial Chamber II

18. During the period under review, Trial Chamber II was seized with six cases, comprising three joint cases (referred to as the "*Government 1*", "*Government 2*" and "*Butare*" cases) and three individual cases, involving 20 accused, of which 17 have been arrested and 3 are still at large. This heavy caseload resulted in a large number of pre-trial motions being filed. The Trial Chamber disposed of these pre-trial motions, which resulted in 75 written decisions being issued and a number of motions being disposed of orally. Consequently, the trials of Juvénal Kajelijeli, Jean-de-Dieu Kamuhanda and the six accused indicted in the "*Butare*" case (see para. 22 below) commenced on 13 March 2001, 17 April 2001 and 12 June 2001, respectively.

19. Upon the death of Judge Laïty Kama, Presiding Judge of Trial Chamber II, on 6 May 2001, the judicial activities of the Trial Chamber were temporarily suspended. On 16 May 2001, the President of the Tribunal temporarily assigned Judge Erik Møse to Trial Chamber II, pursuant to rules 15 (E) and 27 of the Rules of Procedure and Evidence, to assist with pending pre-trial motions. On the same day, Judge William H. Sekule was elected as Presiding Judge, pursuant to article 13, paragraph 3, of the Statute. Another member of the Trial Chamber, Judge Mehmet Güney, was assigned to the Appeals Chamber on 4 June 2001. The President, on 1 June 2001, assigned Judge Winston Churchill Matanzima Maqutu and Judge Arlette Ramaroson to Trial Chamber II.

The Prosecutor v. Juvénal Kajelijeli (ICTR-98-44-AT)

20. The accused was initially indicted with seven others in the "*Government 1*" case. Trial Chamber II, following a defence motion, ordered that this accused be tried separately. The main problem encountered in this case has been the Prosecutor's repeated non-compliance with the Trial Chamber's orders for a separate indictment and her insistence on modifying the indictment, which caused delays in the commencement of the trial. The trial commenced on 13 March 2001 and one witness was heard. Following the new composition of the Trial Chamber, the trial commenced de novo on 2 July 2001.

The Prosecutor v. Jean-de-Dieu Kamuhanda (ICTR-99-54-T)

21. The trial of the accused started on 17 April 2001. Three witnesses testified, including two prosecution investigators. The trial will resume on 3 September 2001, whereupon after hearing the parties, a decision will be taken on whether to continue with the trial or start the trial de novo, due to the new composition of the Trial Chamber.

The Prosecutor v. Joseph Kanyabashi (ICTR-96-15-T); Pauline Niyramasuhuko and Arsène Shalom Ntahobali (ICTR-97-21-T); Sylvain Nsabimana and Alphonse Nteziryayo (ICTR-29-T); and Elie Ndayambaje (ICTR-96-8-T), referred to as the "Butare" case

22. The trial of the six accused was scheduled to start on 14 May 2001, but had to be re-scheduled to 11 June 2001, as a consequence of the death of Judge Kama. On 11 June 2001, Trial Chamber II considered motions filed by the parties and the trial commenced on 12 June 2001. The first prosecution witness testified until 27 June 2001 and the trial was then adjourned to 22 October 2001, allowing the Trial Chamber to proceed with the trial of Juvénal Kajelijeli.

The Prosecutor v. Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme Bicamumpaka (ICTR-99-50-T), referred to as the "Government 1" case

23. This case involves seven accused persons, of which three are still at large. For the period under review, Trial Chamber II ruled on 14 pre-trial motions,

rendering written decisions in respect of all of the motions.

The Prosecutor v. Edouard Karemera, André Rwamakuba, Mathieu Ngirumpatse and Joseph Nzirorera (ICTR-98-44-T), referred to as the "Government 2" case

24. With regard to the accused, Trial Chamber II ruled on 48 pre-trial motions, rendering written decisions in respect of all of the motions.

The Prosecutor v. Eliezer Niyitegeka (ICTR-96-14-T)

25. During the period under review, Trial Chamber II ruled on 12 pre-trial motions, rendering written decisions in respect of all of the motions.

Trial Chamber III

26. For the period under review, Trial Chamber III disposed of a total of 86 motions, of which 66 (over 75 per cent) were decided orally during two trial proceedings. Oral disposition of such a significant number of motions on the trial record has enhanced the Trial Chamber's efficiency.

The Prosecutor v. André Ntagerura (ICTR-96-10-AT); Emmanuel Bagambiki (ICTR-97-36-T); and Samuel Imanishimwe (ICTR-97-36-T), referred to as the "Cyangugu" case

27. The trial of the accused commenced on 18 September 2000, before Trial Chamber III. It bears noting that a delay in the commencement of the trial was avoided when the Trial Chamber rendered an oral decision on the record, granting leave to the lead counsel for the accused, Ntagerura, to withdraw. The Chamber's decision to permit the withdrawal was informed by the finding that that co-counsel to Ntagerura was sufficiently well versed and capable of continuing with the trial, without undue delay.

28. Since the commencement of trial, the Trial Chamber has heard a total of 38 witnesses over the course of 61 trial days. In addition, the Chamber has disposed of a total of 54 motions and applications made during the course of the trial proceedings.

29. The Chamber anticipates that the Prosecutor will present an additional six witnesses and should formally conclude her case-in-chief shortly after the resumption of the trial in September 2001.

The Prosecutor v. Laurent Semanza (ICTR-97-20-T), referred to as the "Semanza" case

30. The trial began on 16 October 2000 and is proceeding simultaneously with the "*Cyangugu*" case. During the period under review, the Trial Chamber heard testimony from 24 prosecution witnesses over the course of 29 trial days. The Trial Chamber disposed of a total of 21 decisions on motions and applications made during the course of the trial proceedings.

31. For all intents and purposes, the Prosecutor's case-in-chief has been concluded. All that remains for the Prosecutor to close her case is the introduction of an expert report. If the Prosecutor decides to tender this report into evidence without calling the expert witness to testify and the defence decides not to cross-examine this witness, the prosecution's case will be closed without any further hearing. At a pre-trial conference held on 26 April 2001, the defence confirmed that the presentation of its case is expected to commence on 1 October 2001.

32. On 3 November 2000, the Trial Chamber issued its decision on the Prosecutor's Motion to take Judicial Notice. By taking Judicial Notice of various factual matters of common knowledge and of a panoply of documents, the Trial Chamber was able to expedite the trial. The Judicial Notice decision is also significant, in its own respect, since it is the first time that the Tribunal has pronounced a *ratio decidendi* delineating the nature of the facts of which Judicial Notice may be taken.

The Prosecutor v. Anatole Nsengyumva (ICTR-96-12-1); Gratien Kabiligi (ICTR-97-34-1); Aloys Ntabakuze (ICTR-97-34-1); and Théoneste Bagosora (ICTR-96-7-1), referred to as the "Military" case

33. With regard to the aforementioned accused, Trial Chamber III has disposed of all but two of the outstanding motions and the case is ready for trial. However, owing to the hard realities of limited human resources and judicial time, the Chamber's engagement in the simultaneous trials of the "*Semanza*" and the "*Cyangugu*" cases has left very little time and resources to be dedicated to the commencement of a third trial. Moreover, it is the Trial Chamber's opinion

that it would be inadvisable and impractical to commence a third trial while two are well in progress.

Future judicial activities of the Trial Chambers

34. Since the commencement of the first trial in January 1997, the Tribunal has rendered eight judgements in respect of nine accused. Five accused have been convicted after full trials (Akayesu, Rutaganda, Ruzindana and Kayishema, Musema) and three accused after guilty pleas (Kambanda, Serushago, Ruggiu). One accused has been acquitted (Bagilishema). Another accused (Ntuyahaga) has been released, following the withdrawal of the indictment against him, at the request of the Prosecutor. Seven convicted persons lodged appeals, five of which have been determined by the Appeals Chamber (Kambanda, Serushago, Akayesu, Ruzindana and Kayishema). Two appeals are pending (Rutaganda and Musema). Of the 48 accused in detention, 24 have either had judgements rendered in their cases or are in ongoing trials. The proceedings against 24 accused are still at the pre-trial stage.

35. Apart from the accused referred to above, the Prosecutor, in February 2001, outlined her work schedule up to 2005. The Prosecutor estimates that 29 indictments will be submitted for confirmation by her Office for the year 2001, 30 indictments for 2002, 30 indictments for 2003, 30 indictments for 2004 and 17 indictments for 2005. Although these figures are estimates, they imply that the Tribunal may have 136 new accused who, according to the Prosecutor, will be involved in 45 new trials, with an average of 3 accused persons being jointly tried.

36. The Tribunal has taken such measures as are within its power to improve its procedures through amendments to the Rules of Procedure and Evidence. It has also adopted measures to improve its internal organization, including its Court Management Section. These improvements have resulted in a significant increase in the Tribunal's efficiency in meeting its heavy workload. However, there are inherent limits as to how much the three Trial Chambers can accomplish under the present system.

37. During the period under review, the three Trial Chambers conducted trials on a twin or multi-track basis. Trial Chamber I[3] concluded the trial of Ignace Bagilishema and prepared the written judgement in tandem with the hearing of the "*Media*" case, involving three accused (Nahimana, Ngeze and Barayagwiza), as two judges who constituted the Trial Chamber for the Bagilishema case also constitute the Trial Chamber for the "*Media*" case. Trial Chamber I is currently conducting the "*Media*" trial, which is expected to continue through the greater part of 2002. A trial involving two accused (E. and G. Ntakirutimana) will commence before Trial Chamber I on 17 September 2001. This trial will be twin-tracked with the "*Media*" trial.

38. Trial Chamber II is currently conducting three trials on a multi-track basis. The *Kajelijeli* trial commenced on 12 March 2001 and the *Kamuhanda* trial commenced on 17 April 2001. Following the death of the presiding judge and the new composition of the Chamber, the trial in one case started de novo and the trial in the other case may also start de novo. The "*Butare*" trial, involving six accused (Kanyabashi, Nyiramsuhuko, Ntahobali, Nsabimana, Nteziryayo and Ndayambaje) commenced on 11 June 2001.

39. Trial Chamber III is currently conducting two trials on a twin-track basis. The "*Cyangugu*" trial, involving three accused (Bagambiki, Imanishimwe and Ntagerura), commenced on 18 September 2000. The trial against a single accused (Semanza) started on 16 October 2000. The trial in the "*Military*" case involving four accused (Bagosora, Nsengiyumva, Kabiligi and Ntabakuze) is expected to commence in the first quarter of 2002.

40. This will lead to judgements for a significant number of cases during the current mandate. It is important to recall, however, that conducting judicial proceedings at the international level is a far more complicated task than at the national level. There are many reasons for this, such as the legal and factual complexity of the cases, the volume of documents subject to disclosure and translation, the large number of witnesses, interpretation of testimony from Kinyarwanda into French and English, ongoing investigations by the Prosecutor and the defence, the availability of witnesses and the schedules of defence lawyers, most of whom practise in countries outside Africa. Moreover, in cases with voluminous files, both parties regularly request more time for preparation. In such situations the Trial Chamber has to balance the accused's right to fair and expeditious trials against possible delays in the commencement of the trials. An example may serve to illustrate why the trials are protracted. Most of the witnesses testify in

Kinyarwanda. Their testimony is interpreted into French and from French into English, and vice versa. As a result, the time needed to complete a single witness's testimony is more than three times the time taken in a national court. Problems of communication during the testimony, including cultural and linguistic characteristics, also take time. Furthermore, considerable time is expended in reproduction and translation of massive case files, which include thousands of pages of documents, books, journals, photographs, maps, audio and video cassettes.

41. An analysis of the cases being heard by the Tribunal reveals differing patterns. Some trials are finalized within a few months, where, for instance, the defence is willing to make admissions to narrow the disputed issues. Other trials, particularly joint trials of several accused persons, may take more than a year for the presentation of evidence. The testimony of one witness may extend over several days as each defence counsel exercises his or her client's right to cross-examine the witness. Even with careful planning and active intervention by the judges, trials with large numbers of witnesses are necessarily protracted.

42. The complexity of cases currently pending is connected, inter alia, with the alleged rank and status of the accused and their respective alleged roles in the killings in Rwanda in 1994. The Prosecutor's strategy has focused from the outset on those suspects who are alleged to have been in the highest positions of leadership and authority and on those who are alleged to have taken the most prominent roles in the events. These persons are alleged to be former political leaders, high-ranking military officers, media leaders, senior government administrators, prominent businessmen and public figures. The trials of accused who are alleged to have been the veritable architects of the killings will necessarily be legally and factually more complex and take longer than the trials of persons of lesser rank and status.

43. Another trend in the judicial activities of the Trial Chambers is the increase in the numbers of trials of accused being tried together. Although joint trials are expected to significantly shorten the number of actual trial days spent in the courtroom, the number of witnesses to be heard and the volume of evidence to be examined in joint trials is much greater than in separate trials.

44. Long periods of court time expended on pre-trial preparations of cases is also a matter of concern. Not only the commencement of trials is prolonged, but also the period awaiting trial for accused persons in detention. The reasons for the increased length of time spent on pre-trial proceedings may be found in the confluence of several factors, largely beyond the control of the Trial Chambers. The most prevalent among them are the following: the advent of joint indictments, successive amendments of indictments initiated by the Prosecutor, increase in the number of interlocutory motions submitted by the parties, increased complexity of legal and factual issues being addressed in the decisions rendered on pre-trial motions, complaints relating to disclosure and translation of documents to be used in the case, as well as general lack of preparedness on the part of the Prosecutor to proceed to trial. On the other hand, precedent rulings handed down by the Chambers over the past five years have forestalled certain motions, such as challenges to the jurisdiction of the Tribunal.

45. With the available resources, the Trial Chambers will be able to complete the trials of all currently held detainees by 2007. If the Prosecutor accomplishes her investigative initiatives as indicated above, the Tribunal will have a further 136 people indicted by 2005. Depending on the rate of arrest of these persons and on current resources, the Tribunal will not be able to complete these trials before 2023. This is unacceptable, particularly in the light of the rights of an accused to be tried without undue delay. Furthermore, conducting trials so many years after the events may throw into question the reliability of the evidence. Therefore, to expedite these proceedings, the President has requested the Security Council to amend the Tribunal's Statute, to make provision for the creation of a pool of ad litem judges. If this reform is implemented as proposed, by 2002, the Tribunal will be better placed to complete the trials of the detainees currently awaiting trial by 2004 and, depending upon the rate of arrest, the trials of the 136 new persons by 2011.

The Appeals Chamber

Ongoing reforms

46. The period under review was a crucial year for the Appeals Chamber. A number of recommendations concerning the work of the Appeals Chamber were

made by its Working Group, endorsed by the judges at the plenary and subsequently implemented. A "Mirror-Registry" was established at The Hague, to give parties the option of filing appeals documents either at The Hague or in Arusha. Additional staff had been recruited on a temporary basis to reinforce the Appeals Chamber Support Unit in The Hague, resulting in greater assistance being provided to the judges. In November 2000, the Security Council provided for two trial judges to be assigned to the Appeals Chamber, increasing its membership to seven.[4] On 1 June 2001, the President of the Tribunal, after consultation with the judges, assigned judges Mehmet Güney (elected on 8 November 1998) and Asoka de Zoysa Gunawardana (nominated on 21 March 1999) to the Appeals Chamber. Judge Güney moved to The Hague in June 2001 and was sworn in as an Appeals Chamber judge on 12 July 2001, while Judge Gunawardana was to take up his new duties at The Hague in September 2001.

47. As part of the ongoing reforms, the Presiding Judge of the Appeals Chamber, in consultation with the President of the Tribunal, issued Practice Directions to streamline the procedure for the filing of written submissions and to regulate the size and format of the pleadings filed before the Appeals Chamber. Several rules, including rules 108, 109, 117 bis and 117 ter, were amended during the plenary sessions held in November 2000 and June 2001, to achieve the same purpose. These measures were instrumental in allowing the Appeals Chamber to complete most of the appeals that have been filed, thus ensuring that the appeals process, particularly in respect of interlocutory appeals, did not impede ongoing trial activity.

48. Although the Appeals Chamber succeeded in dispensing with many outstanding cases on appeal, a number of significant issues remain to be resolved, to ensure that the Chamber will be able to cope with the increasing number of appeals that are likely to be filed, as the Tribunal increases its trial activity. The translation of decisions and other documents prepared by the judges at The Hague continues to be a major problem. At the present time, these documents must still be sent to Arusha to be translated, which creates long delays in the finalization of documents due to the distance between the drafters and the translators. Vacant translator posts at The Hague must be filled, as well as similar additional posts that may be obtained under the Tribunal's next budget, to overcome this situation. There is the need to separate the "Mirror Registry" from the rest of the Appeals Support Unit at The Hague. Furthermore, a number of staffing-related issues need to be addressed, including the recruitment of a Legal Officer to head the Appeals Chamber Support Unit, the selection of Legal Officers to serve in the Unit and the approval of additional posts in the next budget, to provide the Unit with a staffing structure similar to that of ICTY. More important, the issue of the administration and management of the staff in the Unit will need to be addressed by the registrars of both Tribunals, in consultation with the judges, to ensure that those staff members are able to work under favourable conditions. Finally, the issue of support staff for the two judges from the Tribunal assigned to the Appeals Chamber at The Hague will also need to be addressed to ensure that the judges are provided with the same level of support as their ICTY counterparts.

49. The level of activity of the Appeals Chamber during the period under review indicates that the work of the Appeals Chamber will undoubtedly become the next major challenge facing the Tribunal in the future. For this reason, now is the time to take the necessary measures to ensure that the Appeals Chamber will be able to cope with the increased workload in the years to come. To this end, a study had been initiated by the Presiding Judge of the Chamber, the results of which are to be discussed by the judges of both Tribunals during their yearly joint seminar in October 2001.

Appeals activity

50. During the period under review, the Appeals Chamber decided 14 interlocutory appeals, six appeals on the merits and four requests for review.

Interlocutory appeals

Bagambiki v. The Prosecutor (case: Bagambiki, Imanishimwe and Ntagerura v. The Prosecutor)

51. On 7 September 2000, the Appeals Chamber confirmed the decision of Trial Chamber III and dismissed the notice of appeal filed by Emmanuel Bagambiki. The Appeals Chamber held that the grounds of appeal raised by the Appellant did not fall within the ambit of rule 72 of the Rules.

Barayagwiza v. The Prosecutor

52. For the period under review, the Appeals Chamber rendered three decisions in the case. On 12

September 2000, the Appeals Chamber, constituted by a bench of three judges, dismissed two appeals filed by Barayagwiza against two decisions rendered by Trial Chamber I on 11 April and 6 June 2000, respectively. The appeals raised objections in respect of matters pertaining to the temporal jurisdiction of the Tribunal and challenged the validity of the indictment. On 14 December 2000, the Appeals Chamber dismissed a Motion for Review or Reconsideration of its decision of 31 March 2000, on the basis that the Motion lacked merit. On 13 December 2000, a bench of three judges of the Appeals Chamber dismissed an appeal filed on 18 September 2000 on the basis that it did not satisfy the requirements of rule 72 of the Rules.

Kabiligi v. The Prosecutor

53. On 13 November 2000, the Appeals Chamber dismissed an appeal filed by Gratien Kabiligi against Trial Chamber III's decision of 13 April 2000, for the reason that the alleged irregularity pertaining to the pre-trial proceedings did not fall within the ambit of rule 72 of the Rules.

Kajelijeli v. The Prosecutor (case: Bizimungu, Kajelijeli, Karamera, Ngirumpatse and Nsabimana v. The Prosecutor)

54. During the period under review, the Appeals Chamber rendered three decisions in the *Kajelijeli* case. On 10 August 2000, an appeal was dismissed because the notice of appeal had been filed outside the prescribed time limits. On 12 December 2000, the Appeals Chamber rendered a second decision on a motion to grant relief from dismissal of appeal (appeal against decision of the Appeals Chamber, dated 10 August 2000). In the decision, the Appeals Chamber dismissed the motion and confirmed its previous decision. Finally, on 6 February 2001, a bench of three judges of the Appeals Chamber dismissed a motion to limit the admissibility of evidence on the basis that the motion did not fall within the ambit of rule 72 of the Rules.

Ngeze and Nahimana v. The Prosecutor

55. On 5 September 2000, the Appeals Chamber dismissed interlocutory appeals filed by Ferdinand Nahimana and Hassan Ngeze because most of the grounds of appeal were inadmissible, as they did not fall within the scope of rule 72 of the Rules. Judges Lal Chand Vohrah, Rafael Nieto-Navia and Mohamed Shahabuddeen appended separate opinions to the decision.

Niyitegeka v. The Prosecutor

56. During the period under review, the Appeals Chamber dismissed two appeals on the grounds that they did not fall within the ambit of rule 72 of the Rules.

Nsengiyumva v. The Prosecutor

57. During the period under review, the Appeals Chamber considered an appeal filed by Anatole Nsengiyumva against a Trial Chamber decision which had denied his motion, objecting to the jurisdiction of the Tribunal in respect of the amended indictment. The appeal raised issues relating to subject matter, personal and temporal jurisdictions of the Tribunal. The appeal was dismissed on 13 November 2000 on the basis that some grounds of appeal were inadmissible under rule 72 of the Rules, while others lacked merit.

Nzirorera v. The Prosecutor

58. On 18 September 2000, Joseph Nzirorera lodged an appeal against the decision of Trial Chamber II which had dismissed his motion challenging the legality of his arrest and detention, and his request for the return of personal items that had been seized. On 23 February 2001, a bench of three judges of the Appeals Chamber found that the appeal could satisfy the requirements of rule 72 (D) of the Rules and ruled that the appeal should proceed before the full bench of the Appeals Chamber. On 4 May 2001, the Appeals Chamber dismissed the appeal on the basis that the grounds of appeal were either inadmissible under rule 72 (D) or without merit.

Semanza v. The Prosecutor

59. On 4 December 2000, the Appeals Chamber, constituted by a bench of three judges, dismissed an interlocutory appeal filed against a Trial Chamber decision of 11 September 2000. The appeal was dismissed because the grounds of appeal raised were not related to the personal, subject matter, temporal or territorial jurisdiction of the Tribunal, and therefore did not satisfy the requirements of rule 72 of the Rules.

Appeals on the merits

Akayesu v. The Prosecutor

60. During the period under review, the Appeals Chamber rendered seven decisions, some of which were a consolidation of several motions, and issued six other orders. Although the trial of Jean-Paul Akayesu was the first trial completed by the Tribunal, the appeals process was characterized by protracted legal battles, initially between the Appellant and the Registry, and later between the Appellant and the Respondent. This, coupled with the changing of Appellant's counsel on several occasions, resulted in the final judgement being rendered on 1 June 2001. Akayesu filed several motions after the appeal hearings were concluded and during the period of deliberation, which included a motion requesting the translation of the Appellant's brief and reply, which was subsequently granted by the Appeals Chamber. Akayesu also requested the Appeals Chamber to refer his case back to the Trial Chamber, since he had filed a motion for review of the trial judgement before that Trial Chamber. That motion was dismissed on 16 May 2001. On 28 May 2001, Akayesu requested the Appeals Chamber to reconsider its decision. That request was subsequently dismissed on 1 June 2001. The Appeals Chamber ruled that the motion was an abuse of the due process for which counsel might be sanctioned and accordingly directed the Registrar to forfeit all fees due to counsel in respect of the motion.

61. On 1 June 2001, the Appeals Chamber unanimously rejected each of the grounds of appeal raised by Jean-Paul Akayesu and confirmed the verdict and sentence handed down by the Trial Chamber.

Kambanda v. The Prosecutor

62. On 19 October 2000, the Appeals Chamber rendered its judgement in respect of the appeal filed by Jean Kambanda against the conviction and sentence handed down by the Trial Chamber on 4 September 1998. The Appeals Chamber unanimously dismissed the eight grounds of appeal raised by the Appellant and affirmed the conviction and sentence rendered by the Trial Chamber. The judgement was rendered at a hearing held at The Hague, pursuant to an order issued by the President of the Tribunal, in accordance with rule 4 of the Rules, which provides that a Chamber or a judge may exercise their functions away from the seat of the Tribunal, provided that this is authorized by the President of the Tribunal and is in the interest of justice.

Kayishema and Ruzindana v. The Prosecutor

63. During the period under review, the Appeals Chamber rendered 10 decisions on various motions in the case and issued orders on matters of procedure, prior to rendering its judgement on the merits of the three appeals. On 1 June 2001, at a hearing in Arusha, the Appeals Chamber rendered its judgement, confirming the guilt of Clement Kayishema on all the counts for which he had been convicted by the Trial Chamber, as well as the sentence of life imprisonment. The Appeals Chamber also confirmed the guilt of Obed Ruzindana, as well as the sentence of 25 years' imprisonment, and ruled that the Prosecutor's appeal was inadmissible.

64. Although the written judgement in the case was ready when the oral judgement was delivered, it has not been made available for distribution, due to translation difficulties. It is anticipated that the written judgement would be released after the period under review.

Musema v. The Prosecutor

65. Hearings on the merits of the appeal were held on 28 and 29 May 2001 and the Appeals Chamber is currently in deliberation. Additionally, four decisions were rendered and nine orders were issued by the Appeals Chamber. A few weeks before the hearings, the Appellant filed a motion requesting the Appeals Chamber to compel the prosecution to disclose exculpatory evidence. The prosecution gave notice of disclosing further evidence days before the hearing. The day of the hearing (28 May 2001), Musema filed a motion requesting the Appeals Chamber to admit the statements of three witnesses as additional evidence and requested leave to file a supplementary ground of appeal. The Appeals Chamber will render its decision on this motion in its appeals judgement, which is scheduled to be rendered in November 2001.

Rutaganda v. The Prosecutor

66. During the period under review, 11 decisions were rendered and three orders were issued by the Appeals Chamber. The appeal process was delayed by the withdrawal of the Appellant's counsel, who had been on the case since the commencement of the trial.

Following a motion by the Appellant's new counsel, the Appeals Chamber ordered the Registry to avail to that counsel audio tapes of the entire trial as the counsel from whom he was taking over was unable to brief him owing to medical reasons. The parties are expected to file their briefs in September.

Requests for review

67. During the period under review, the Appeals Chamber disposed of four motions for review.

Akayesu v. The Prosecutor

68. As mentioned above, the Appeals Chamber, on 1 June 2001, dismissed a motion for review filed in respect of this case.

Imanishimwe v. The Prosecutor

69. On 12 July 2000, the Appeals Chamber dismissed the motion for review filed by Samuel Imanishimwe, which related to an interlocutory appeal on the jurisdiction of the Tribunal. In its decision, the Appeals Chamber noted that only a final judgement or a decision on an interlocutory appeal, which terminates all proceedings, may be reviewed pursuant to article 25 of the Statute and rule 120 of the Rules. In this case, the Appeals Chamber found that the impugned decision was not a final judgement and that there was no right of appeal against this particular decision.

Kanyabashi v. The Prosecutor

70. On 12 September 2000, the Appeals Chamber rendered a decision on a motion for review or reconsideration in the case. The Appeals Chamber further expanded on the nature of interlocutory decisions that may be subject to appeal and held that appeals might only be filed against interlocutory decisions rendered by a Trial Chamber, pursuant to rule 72 of the Rules, dismissing an objection based on a lack of jurisdiction. Alleged flaws in due process leading to an interlocutory decision which violated the rights of the accused could not be characterized as objections based on lack of jurisdiction. Accordingly, the motion was dismissed.

Semanza v. The Prosecutor

71. On 4 May 2001, the Appeals Chamber rendered its decision on the Appellant's motion for review of a decision it had rendered in the case on 31 May 2000. The Appeals Chamber held that the decision of 31 May 2000 was not a final judgement and accordingly dismissed the motion.

C. Regulatory activities of the Chambers

72. Both the Trial Chambers and the Appeals Chamber continue to identify areas for improvement and adopt the necessary amendments to the Rules of Procedure and Evidence to either remedy perceived problems or otherwise increase the Tribunal's efficiency. During the period under review, judges from the three Trial Chambers and the Appeals Chamber amended the Tribunal's Rules of Procedure and Evidence during the ninth and the tenth plenary sessions.

73. At the ninth plenary, held on 30 November 2000, rules were amended as follows:

- The amendment to rule 48 bis (Joinder of indictments) now provides for persons who have been separately indicted to be jointly tried if the crimes for which they are indicted are alleged to have been committed in the course of the same transaction;
- The amendment to rule 94 empowers the Trial Chamber to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal;
- The amendment to rule 108 (A) (Notice of appeal) harmonizes the English text with the French text and serves to provide clarity on the computation of time limits for the filing of a notice of appeal;
- The amendment to rule 109 (Record on appeal) dispenses with the need for the parties to provide a full trial record;
- The amendment to rule 117 (A) (Expedited appeals procedure) now harmonizes this rule with the Practice Direction previously issued on the procedure for the filing of written submissions in appeal proceedings;
- The amendment to rule 117 bis (Parties' Books) removes the ambiguity from the previous text with regard to the requisite time limit for the filing of the Parties' Books of Authorities;

- The amendment to rule 117 ter (Filing of the trial records) corrects an error in the heading and in the text of the previous version of the rule.

74. At the tenth plenary session, held on 30 and 31 May 2001, the Rules of Procedure and Evidence were amended in the following respects:

- The amendment to rule 3 (Languages) extends to the suspect the right to use his own language;
- The amendment to rule 7 ter (Time limits) provides greater clarity on the computation of the time limits prescribed in the Rules of Procedure and Evidence;
- The amendment to rule 15 bis (Absence of a judge) now allows for a hearing in a part-heard case to continue before two judges of a Trial Chamber for a period not exceeding five days, if the third judge is unable to sit at this hearing due to certain reasons;
- The amendment to rule 40 bis (Transfer and provisional detention of suspects) establishes the day of transfer of the suspect to the Tribunal as the beginning of the period of provisional detention, for the purposes of calculating the period of provisional detention;
- The amendment to rule 41 (Preservation of information) establishes an obligation for the Prosecutor to draw up an inventory of all materials seized from the accused and to serve a copy of this inventory on the accused. It also obliges the Prosecutor to return those materials that have no evidentiary value;
- The new rule 55 bis provides for the issuance of warrants of arrest to all States, with a view to facilitating the arrest of an accused person moving from State to State to evade arrest;
- The amendments to rule 73 bis (Pre-trial conference) and rule 73 ter (Pre-defence conference) enables the parties, after the commencement of the trial, to move the Trial Chamber for leave to reinstate the original list of witnesses, or to vary the decision on which witnesses are to be called.

III. The Bureau

75. The Bureau is composed of Judge Navanethem Pillay, President and Presiding Judge of Trial Chamber I; Judge Erik Møse, Vice-President; Judge William H. Sekule, Presiding Judge of Trial Chamber II; and Judge Lloyd George Williams, Presiding Judge of Trial Chamber III.

76. During the period under review, the Bureau discussed and decided on matters related to the judicial management of the Chambers, the support rendered by the Court Management Section to the Trial and Appeals Chambers, and the budget for the Chambers Support Section and Appeals Unit. It held regular meetings with the Registrar on matters relating to the overall coordination of the work of the Tribunal.

77. The Bureau reviewed the recommendations of the Office of Internal Oversight Services in its report on fee-splitting and the exchange of gifts between counsel and accused and other improper practices at the Tribunal's Detention Facility (A/55/759) and made suggestions to the Registrar on the manner in which some of those concerns might be dealt with.

IV. Office of the President

78. The President of the Tribunal is Judge Navanethem Pillay and the Vice-President is Judge Erik Møse.[5]

Rulings and reviews

79. During the period under review, the President received a request from an indigent Appellant, in accordance with article 12 of the Directive on Assignment of Defence Counsel for a review of the Registrar's decision denying his request for assignment of co-counsel chosen by him. On review, the decision of the Registrar was reversed for the reason that the accused had not received notification of the applicable formality. The Registrar subsequently filed a request to the President to reconsider her decision. The request was denied.

80. At the request of two indigent accused persons, the President reviewed two of the Registrar's decisions, in accordance with article 19 (E) of the Directive. In these cases, the Registrar's decisions denying the accused persons' requests to withdraw their assigned counsel were affirmed.

81. Following an ex parte application from the Prosecutor, the President ordered the continued incarceration of the convicted prisoner Jean Kambanda in the Detention Facility ICTY for a period of six months. At the expiry of that period, a subsequent application from the Prosecutor was granted to extend this order for a further six months. The President also granted two other ex parte applications made by the Prosecutor for the incarceration of convicted prisoners, Omar Serushago and Georges Ruggiu, at the Tribunal's Detention Facility in Arusha for a period of six months. In all three cases, the Prosecutor submitted that the convicted prisoners had expressed their willingness to cooperate with her Office and to testify as witnesses in trials pending before the Tribunal.

Designation of States in which convicted persons will serve their sentences

82. Mali, Benin and Swaziland have signed agreements to enforce sentences handed down by the Tribunal.

83. Three convicted prisoners, Jean-Paul Akayesu, Clement Kayishema and Obed Ruzindana, will be transferred to state prisons to serve their sentences as soon as a treaty between the United Nations and the State concerned is finalized and the detention facilities are completed.

Proposal on the issue of compensation for victims

84. During the period under review, the President, on behalf of the judges, submitted a proposal to the Secretary-General on the issue of compensation for victims of the events that took place in Rwanda in 1994 over which the Tribunal has jurisdiction. The judges agree with the principle of compensation for victims, but believe that the responsibility for processing and assessing claims for compensation should not lie with the Tribunal, but with other agencies within the United Nations system. In that regard, the proposal put forward three options for consideration.

Compensations for persons wrongfully prosecuted or convicted by the Tribunal

85. The President submitted a proposal to the Secretary-General for the amendment of the Tribunal's Statute to provide for the compensation of persons wrongfully prosecuted or convicted by the Tribunal, with the request that the proposal be transmitted to the Security Council for consideration (S/2000/925, annex).

The creation of a pool of ad litem judges

86. On 9 July 2001, the President submitted a proposal to the Secretary-General, for the creation of a pool of ad litem judges to serve in the Tribunal (A/56/265-S/2001/764, annex). The proposal aims to increase the Tribunal's judicial activity and contains a draft amendment to the Tribunal's Statute to allow for ad litem judges to serve on the Tribunal and to form part of the existing Trial Chambers. If the proposal is adopted, the Tribunal's judicial productivity is expected to double.

Meetings with diplomats, government representatives and representatives of non-governmental organizations and universities

87. During the period under review, the President held meetings with 15 government representatives from various Member States. The discussions covered a series of issues, including the achievements of the Tribunal, as well as the problems it experienced in its daily operations. The President requested the support, cooperation and assistance of the States concerned and raised the possibility of persons convicted by the Tribunal serving their sentences in the prisons of those States.

88. The President also held meetings with delegations from various universities, institutions and NGOs from different parts of the world. Issues discussed included those relating to the research assistance that may be provided to the Tribunal. The President secured the sponsorship for the second judges' seminar by the Government of Ireland and Trinity College. All judges from both ICTR and ICTY will participate in the seminar.

Conferences

89. The President, the Vice-President and the judges participated variously in the following meetings:

- On 28 and 29 July 2000, the President participated in the Conference organized by the Center for Legal Action on Human Rights and the International Human Rights Law Clinic at the Washington College of Law, American University, Washington, D.C., where she

presented a paper entitled "War Crimes, Genocide and other Crimes against Humanity";

- From 6 to 10 September 2000, the President participated at the seventeenth Congress of the International Federation of Women in Legal Careers, held at Toledo, Spain, where she presented a paper entitled "Women in Armed Conflicts";

- The President, the Vice-President and the judges of the Tribunal participated in the ICTR and ICTY Judges Seminar held from 30 September to 1 October 2000 in Ascot, United Kingdom, initiated by the United Nations Office of Legal Affairs and hosted by the Government of the United Kingdom;

- The President participated in the International Conference on Perspectives for Research and Policy Making, held in Bonn, Germany, from 14 to 16 December 2000, where she presented a paper entitled "Facing Ethnic Conflicts".

Practice Directions issued by the President

90. During the period under review, the President, on 24 April 2001, after consultations with the Bureau, the Registrar and the Prosecutor, issued a Practice Direction on the withdrawal of pleadings. The Practice Direction simplifies and shortens the procedure for withdrawal of pleadings by providing that it is not necessary for a party seeking to withdraw a motion, a counter-motion or a response to a motion to file a further motion requesting leave from the Trial Chamber for such a withdrawal. Instead, the party may do so by filing a Notice of Withdrawal with the Registry or by oral submission to the Trial Chamber if the case is before the Trial Chamber.

V. Office of the Prosecutor

91. The Prosecutor is of the view that the aim of her Office is to investigate the most serious crimes within the jurisdiction of the Tribunal, to indict those individuals that are alleged to be responsible for those crimes and to prosecute them diligently and in accordance with the highest international standards.

A period of reorientation

92. During the period under review, the Office of the Prosecutor continued to implement and refine its established strategy of investigating new cases, preparing existing cases for trial and conducting trials before the Trial Chambers. At the same time, the period was one of considerable reorientation for the Office.

93. The Prosecutor undertook a substantial reorganization of the structure and control of investigations and embarked upon a major programme of recruitment of new personnel. In this process, she focused her attention on the balance of resources between the needs of investigations in Kigali and the composition of trial teams in Arusha.

94. The Prosecutor was especially concerned with the standard and quality of the presentation of prosecution cases at trial, an issue that has implications for all stages of investigation, for the preservation of evidence and for the conduct of prosecutions themselves.

95. New systems were introduced within the Office governing the formal opening of investigations, the assignment of Senior Trial Attorneys to oversee and direct ongoing investigations and the allocation, to named individuals, of the responsibility for the preparation and conduct of investigations and prosecutions.

96. The Prosecutor believes that a key to the smooth presentation of cases in court is well-organized evidence collection. A particular need was identified for improving the storage, indexing and retrieval of items of evidence held by the Office. Evidence collection was therefore consolidated in Arusha and a suitable secure location was prepared to house it. A special project was also undertaken, with the assistance of the Evidence Unit of ICTY, to recruit staff to undertake a comprehensive audit of the holdings and of the various protocols governing the handling and production of documents and other items of evidence.

97. Significant changes in key personnel were also made among the senior prosecution staff which had an unavoidably unsettling effect on prosecution work. However, efforts were made to minimize their adverse impact on those prosecution teams with cases at trial before the Trial Chambers.

98. Reorganization of the Appeals Section in the Office of the Prosecutor was also undertaken during the

period under review. The Prosecutor believes that it would be beneficial to have staff from both the Tribunal and ICTY co-located in an Appeals Section and able to work together. Since the Appeals Chamber deals with cases from both Tribunals, common legal issues often arise and similar arguments may be required to be prepared and presented. Key questions on such important legal issues as the intent requirement for genocide, cumulative convictions, review of proceedings as well as admission of additional evidence on appeal have been dealt with in both ICTR and ICTY appeals. As the workload of the Appeals Section increases, the advantages of avoiding duplication of effort and being able to use existing resources flexibly are obvious. The Prosecutor therefore determined that for a trial period of one year, the best arrangement was for the majority of her appeals staff to be stationed in The Hague. Certain posts were retained in Arusha, to form the necessary links between the appellate work and the trial teams familiar with all the details of the proceedings at first instance.

99. The period under review saw an evolution in the relationship between the Office of the Prosecutor and the authorities of Rwanda. While regular contacts continued to be established with the Government in Kigali at a working level, particularly through the Office of the Prosecutor General, Mr. Gérard Gahima, the Prosecutor also met with President Kagame on several occasions. In addition she had numerous meetings with the Minister of Justice and with the Military Auditor. The basic feature of all these meetings was an increased openness on the part of the Prosecutor to inform the authorities of Rwanda of the nature of the work conducted by her Office and to explain the policy behind the activities of her investigators. As a result, a greater flow of information and a higher level of understanding, coordination of efforts and cooperation were achieved.

100. The Prosecutor stressed her understanding of the need to make the work of the Tribunal relevant to the people of Rwanda and reiterated her desire to hold parts of trials in Kigali. She helped to facilitate the provision of international assistance for the refurbishment of the premises of the Supreme Court of Rwanda, with a view to that court being suitably equipped to accommodate the Tribunal's hearings.

101. The Prosecutor also consistently expressed her desire to see victims and survivors of genocide being given a greater voice in proceedings before the Tribunal. She also expressed her hope that the Tribunal would have more scope to provide for compensation for victims, possibly linked to the freezing of assets of persons convicted by the Tribunal. These ideas, which would involve consideration of changes to the Statute of the Tribunal, were presented to the Security Council. The Prosecutor also explored with certain NGOs the possibility of their seeking to be heard by the Trial Chambers on behalf of victims.

102. The Office of the Prosecutor also increased the level of cooperation, extended both formally and informally, to authorities of countries other than Rwanda by seeking assistance in the investigation and prosecution of crimes committed in Rwanda.

Investigations

103. The Prosecutor is of the view that the Investigations Division in her Office is empowered to interrogate suspects, interview witnesses and victims, take witness statements and gather evidence against presumed perpetrators of crimes, falling under the jurisdiction of the Tribunal. For reasons of security and confidentiality, the present report cannot give details of ongoing investigations or of the suspects who are the objects of the Prosecutor's attention. In general terms, however, current investigations are concerned, inter alia, with central and local government figures, members of the armed forces, militias and civil defence, prominent businessmen and intellectuals, members of the clergy and certain media figures. The Tribunal's mandate also allows the Prosecutor to investigate allegations of crimes committed by members of the Rwandan Patriotic Front (RPF) in the aftermath of the genocide in 1994.

Reorganization of the Investigations Division

104. The Investigations Division has a staff of 120 and is one of the most important components of the Office of the Prosecutor. Its organization and operations have a tremendous impact on the activities of the Tribunal as a whole.

105. Under the new organizational chart, the Division comprises four Investigation Units, each headed by a Commander. The Investigation Units were assigned new duties by category. Each Unit is divided into investigation teams under a Team Leader. Certain teams fall directly under the Director of Investigations

because of the nature of their duties. Such is the case for the Tracking and Special Investigations teams.

106. Under the direction of one of the Investigations Commanders, the Investigations Division has introduced a Witness Management Team, designed to deal with the often sensitive task of establishing and maintaining contact with witnesses during the early stages of a case. At the later trial stage, it is the Registry, and not the Office of the Prosecutor, which organizes the transport and appearance of witnesses before the Trial Chambers. A priority for the Witness Management Team is therefore the creation of an integrated system for meeting the needs of witnesses.

107. The composition of the investigation teams was streamlined such that each team has a Legal Adviser, a Criminal Analyst, a Sexual Assault Investigator, a Language Assistant and a secretary. A centralized Analysis Unit, headed by a Senior Analyst, assisted by three analysts, summarizes the evidence, coordinates operations and prepares summary reports for the Office of the Prosecutor.

108. Since the *Akayesu* judgement, investigations of sexual violence have been expanded. Experience has shown that assigning a sexual assault investigator to each team resulted in greater efficiency. Hence, during the reorganization, the Sexual Assault Team was decentralized. However, a core unit is still in place to provide coordination and supervision, as this is a highly sensitive and complex domain.

109. A special team within the Investigations Division tracks the whereabouts of accused persons who are still at large. The Tracking Team was divided into two groups, on a geographical basis. One group covers Europe and North America, while the other covers Africa. During the period under review the Tracking Team was placed under the direct supervision of the Prosecutor and the Director of Investigations.

110. A special investigation team was also established as part of the reorganization of the Investigations Division.

Operations of the Investigations Division

111. In the period covered by the present report, the operations of the investigations teams covered North America, Western Europe, central and western Africa, as well as eastern and southern Africa. Over 620 witnesses have been interviewed and 594 witness statements obtained.

112. In addition to conducting new investigations, the investigation teams were also engaged in performing the significant task of supporting the trials in progress. Owing to the scale of the prosecutions and the complex nature of the Tribunal's cases, many issues arise in the course of a trial as the evidence unfolds and as the defence case emerges. Many of these questions generate additional enquiries and the investigative teams are frequently required to perform urgent tasks for the Senior Trial Attorneys in court. These tasks take the form of additional investigations and evidence-gathering regarding accused persons already arrested and currently being tried in Arusha as well as the protection of and assistance to witnesses preparing to travel to Arusha to testify in court. Furthermore, during the trial preparation phase, investigators have played an active role in surveying crime scenes and analysing the documentary evidence obtained from searches following the arrest of accused.

Operations of the Tracking Team

113. Steps were taken to streamline the procedures for the authorization of missions and, given the number of missions undertaken in Europe, negotiations have begun with the authorities of Belgium with a view to opening a field office for the Prosecutor in Brussels.

114. Four suspects and accused were arrested in two African countries: Samuel Musabyimana, an Anglican bishop, was arrested in Nairobi on 26 April 2001. Simeon Nsamihigo, who is alleged to have been the Deputy Prosecutor of Cyangugu, was arrested on 19 May 2001 in Arusha. Sylvestre Gacumbitsi and Jean Mpambara, both of whom are alleged to have been *bourgmestres*, were arrested on 20 June 2001 in Kigoma, United Republic of Tanzania.

115. Numerous rogatory commissions in several States have led to the identification and seizure of many bank accounts belonging to accused persons being sought by the Tribunal. During the period covered by the present report, many searches have been conducted in several countries.

116. The Rewards Programme for War Crimes Information, sponsored by the Government of the United States of America, offers new opportunities for tracking down the Tribunal's suspects and accused. The programme offers a reward of up to $5 million to

anyone who gives information leading to the location and arrest of a person wanted by the Tribunal. Accordingly, a direct telephone line is being set up within the Investigations Division through which all telephone contacts will be channelled.

Operations of the Special Investigations Team

117. The new organizational chart contains a newly created Special Investigations Team, in charge of special investigations. During the period under review, the team's operations were intensified and should lead to the indictment of additional persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda between 1 January and 31 December 1994.

Cooperation with Interpol

118. The Investigations Division management has endeavoured to increase cooperation with Interpol. For its part, Interpol has trained three investigators in criminal intelligence analysis. About 15 red notices regarding the Tribunal's fugitives have been forwarded to Interpol for distribution throughout its wide channels of communication.

Other activities of the Investigations Division

119. The Prosecutor is of the view that, given the number of potential suspects and the relatively limited resources of her Office, a careful selection of targets for investigation has to be made. Of necessity a very high cut-off level has been set for those cases selected for prosecution at the international forum. The Prosecutor's investigative strategy has focused from the outset on those suspects in the highest positions of leadership and authority and on those who are alleged to have taken the most prominent roles in the events. Special attention is given to crimes of sexual violence.

120. In February 2001, the Prosecutor prepared an estimate of the investigative workload for the coming years, involving a total of 136 new accused persons. The Prosecutor anticipated that in 2001 she would present indictments for confirmation against 29 accused. In each of the years 2002, 2003 and 2004 it was estimated that 30 new indictments would be presented. By the end of 2004 the Investigations Section should therefore have finished most, or all, of its work on new cases, but it will not be until the end of 2005 that the remaining 17 indictments will be presented.

121. The Prosecutor's estimate is therefore that by 2005 the Trial Chambers will have before them all the indictments that are going to be issued by the Office of the Prosecutor. The Prosecutor will then be able to report to the Security Council that the Prosecutor's investigative mandate has been fully discharged. However, not every indictment will result in a separate trial: a maximum of 136 new indicted accused might mean 45 new trials.

Legal Advisory Section

122. Legal advice and direction is provided to the investigators by a team of seven Legal Advisers working under the supervision of a Senior Legal Adviser. These lawyers are based with the investigators in Kigali and also have responsibility for finalizing the results of investigations and for the preparation of the resulting draft indictments. During the reporting period, the Prosecutor introduced an important clarification between the roles of the Legal Advisory Section in Kigali and that of the Senior Trial Attorneys in Arusha. Henceforth, the overall responsibility for the direction of an investigation will lie with a Senior Trial Attorney specifically assigned to the case when the investigation is formally opened. While the Legal Advisory Section will continue to give day-to-day advice to the teams and will continue to prepare the draft charges against the suspect, the final responsibility for the form of the indictment and for its presentation to a judge for confirmation will lie with the Senior Trial Attorney in question, who will be accountable to the Prosecutor and to the Chambers for the conduct of the case.

Prosecutions

123. According to the Prosecutor, delays to the start of many trials in the preceding year were caused by preliminary legal issues, many of which had to be resolved by way of interlocutory appeals in the Appeals Chamber. The period under review therefore represents a welcomed increase in the number of trial proceedings before the Trial Chambers. The "Cyangugu" case (*The Prosecutor v. Andre Ntagurera, Emmanuel Bagambiki and Samuel Imanishimwe*) began on 18 September 2000. The period under review also saw the start of what will be the most important series

of trials before the Tribunal, namely the prosecution of the leading government, military and media figures.

124. On 30 October 2000, the accused Tharcisse Muvunyi was transferred to the custody of the Tribunal by the authorities in the United Kingdom, and on 8 November 2000 pleaded not guilty to the charges against him. His arrival was followed on 25 November 2000 by the transfer of Innocent Sagahutu after his arrest in Denmark. He also awaits trial after pleading not guilty to all the charges against him at his initial appearance held on 28 November 2000. Bishop Samuel Musabyimana was arrested in Nairobi on 26 April 2001 and was transferred immediately to the Tribunal's Detention Facility in Arusha. He pleaded not guilty to all the charges against him at his initial appearance held on 2 May 2001.

125. Within the Office of the Prosecutor, a great deal of activity took place in respect of cases in which the trial itself had not yet begun. Within the trial teams, steps were taken to recruit case managers and legal officers in order to build up the strength of the prosecution team and to improve the capacity of the teams to discharge the Prosecutor's pre-trial and continuing duties concerning disclosure of information to the defence. Many preliminary legal issues are dealt with in advance of the trial by way of written motions. This work, which often attracts little public attention, paves the way for the hearing of evidence before the Trial Chamber. The Prosecutor, however, remains eager to examine new ways of further narrowing down the contested issues at trial and of speeding up the actual trial process. More work needs to be done to eliminate unnecessary and distracting problems concerning the admissibility of evidence before the Trial Chambers and to streamline the process of leading evidence before the trial judges.

Appeals

126. During the period under review, briefs were filed and appeals were heard in the *Kambanda* case (June 2000); the *Kayishema-Ruzindana* case (October 2000); the *Akayesu* case (November 2000); the *Musema* case (May 2001). Written proceedings in interlocutory appeals continued in the *Semanza* and *Barayagwiza* cases. By the end of the period, there was only one pending appeal where the filing of briefs had not ended, namely the *Rutaganda* case. During the period, the Appeals Chamber rendered judgements in the following cases: *Kambanda, Serushago, Akayesu*, and *Kayishema-Ruzindana*.

127. The Prosecutor is of the view that these first judgements by the Appeals Chamber provide important guidance on numerous substantial legal and procedural issues. The clarification of such issues as the definition of genocide, the intent requirement for crimes against humanity and the scope of persons who can be held responsible for war crimes in internal armed conflicts remove uncertainties about the law which have caused difficulties in framing indictments and the presentation of cases. Important guidance has also been provided on sentencing issues. Further, the judgements have settled numerous procedural issues relevant to the daily conduct of trials and it is therefore expected that trials in the future will run more efficiently.

VI. The Registry

128. The Secretary-General appointed Adama Dieng (Senegal) as Registrar of the Tribunal effective 1 March 2001, following the completion of the four-year term of office of Agwu Ukiwe Okali (Nigeria) as Registrar.

129. The Registry continues to administer and service the Tribunal with an emphasis on the provision of effective judicial and administrative support to the Chambers and the Office of the Prosecutor, as well as reforms in the strategies and management systems utilized in providing such support. In this context, at the request of the Registrar, a comprehensive management review of the organizational structure and staffing of the Tribunal was undertaken by a team of senior officials from the Secretariat at Headquarters from 21 May to 1 June 2001.

130. Although the Tribunal's staffing strength has been adequate in some areas, it has been severely inadequate in others. The Tribunal has therefore had to resort to the temporary redeployment of significant numbers of posts from one organizational unit to another in order to meet operational needs, especially in the Registry, where most of the structural and staffing problems have been identified. These problems include that of the uneven structural linkages of posts and the under-graded levels of posts in the Registry relative to the functions and responsibilities assigned to such posts, with a resulting negative impact on staff recruitment and retention.

131. The management review thus assisted the Tribunal in assessing the functionality of its current organizational structure and allocation of staff resources. Its recommendations to the Registrar were included in the Tribunal's budget proposals for the biennium 2002-2003.

Office of the Registrar

132. The Office of the Registrar remained a key mechanism in the formulation and implementation of overarching policy initiatives in the Registrar's roles in administration, judicial support and the Tribunal's external relations.

Enforcement of sentences

133. During the reporting period, on 31 August 2000, the United Nations signed an Agreement with the Government of the Kingdom of Swaziland on the enforcement of sentences of the Tribunal. Swaziland thus became the third Member State, following Benin and Mali, to commit itself to enforcing the Tribunal's sentences. Agreements were also successfully negotiated with two other Member States, with formal signings expected to take place in the near future.

134. With the completion of the judicial processes in a number of cases that were on appeal, the practical enforcement of the Tribunal's sentences has become a pressing matter. There is, however, a practical problem unique to the Tribunal: the need to obtain resources to upgrade facilities and contribute to the costs of enforcement of sentences in African countries that have agreed to assist the Tribunal in this area but do not have the financial resources to do so. The General Assembly in the period under review appropriated to the Tribunal the sum of $250,000 to enable it to assist in the refurbishment of prison facilities where its convicted persons would be transferred to serve their sentences.

Public information activities

135. Building on its work during the previous reporting period, the Press and Public Affairs Unit has continued to ensure the widest possible dissemination of timely, accurate and complete information about the mandate, organization and achievements of the Tribunal to the press, the international community, professional milieux and the general public. A strategic and proactive approach to communicating the work of the Tribunal, targeting the Tribunal's various constituencies, including Governments and NGOs, has been utilized by the Office of the Registrar.

136. The international visibility of the Tribunal is thus much higher and its image is fundamentally positive, judging from objective indicators received from various continents. The situation in this sphere of the Tribunal's operations has been enhanced as a result of the recruitment of qualified personnel, the institution of effective organizational operating structures and infrastructure, and the systematic application of a clear, proactive and effective public communication strategy by the Tribunal management. The result has been much greater global awareness, understanding and support for the judicial work of the Tribunal and its wider significance in terms of the evolution of the international system. That improvement has been particularly marked in Rwanda, where the Tribunal's general public information programme is complemented by various activities under the aegis of the Outreach Programme.

137. The principal vector of information for the general public is the press. Some 380 journalists are accredited to the Tribunal and a total of around 650 journalists and media organizations are included on the Tribunal's mailing lists for distribution of press releases and other materials by fax and, increasingly, by email. The list which contains a total of over 1,200 addresses, also includes 77 United Nations information centres, which themselves distribute the Tribunal's press releases to their own mailing lists in their respective countries. Other important stakeholders and multipliers of information such as the permanent missions of Member States in New York, all embassies in Dar es Salaam and Kigali, human rights organizations and other relevant NGOs, university law schools and research institutes are included in the mailing lists.

138. A total of 15 journalists are permanently based at the Tribunal, working in the Press Centre, which was inaugurated in 1999. They represent three main press agencies working in English, French, Kiswahili and Kinyarwanda and provide correspondent services for all of the major international agencies as well as reports for the Rwandan, Tanzanian and regional media. Nairobi is the regional media hub for East Africa and the venue where the Tribunal frequently organizes press conferences. Missions outside the duty station provide opportunities for interviews of senior

officials of the Tribunal with the national and international press of the country concerned. Such missions include visits to the Headquarters in New York, to Europe or to countries with which the Tribunal has concluded agreements for the serving of sentences by persons whom it may convict.

139. The Tribunal's web site has undergone continuous development and improvement throughout the reporting period. New staff recruited in both the Electronic Data Processing/Management Information Systems Unit and the Press and Public Affairs Unit enable the site to be continuously monitored and updated. The layout of the site has been simplified and clarified, providing easy access for users of all levels to the information they require. There is a wide range of general information and the texts of judgements are posted when authoritative texts become available. A complete archive of the Tribunal's press releases since 1996 has been created. Other developments have included an expanded section for the library, a special page of materials of interest to defence lawyers and a section of documents in Kinyarwanda.

140. The Press and Public Affairs Unit has produced a range of high-quality printed information materials including brochures, leaflets in four languages (English, French, Kinyarwanda and Kiswahili), posters and a handbook for journalists. These items, which are regularly updated, are distributed to all visitors to the Tribunal and to delegates to conferences at which members of the Tribunal speak, including recent conferences in Kampala, Nairobi, Oslo and Utrecht. They have also been used to support exhibitions held in Kigali, Brussels and Nairobi.

Visitors to the Tribunal

141. The Tribunal continued to receive numerous visitors during the period under review. The programmes of these visitors — 15 representatives of Governments, as well as numerous representatives of NGOs, professional associations and academic institutions — were planned and implemented by the protocol service of the Office of the Registrar.

Outreach Programme to Rwanda

142. In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda, as envisaged by the Statute of the Tribunal, it is essential that the Rwandan people, and in particular their political leaders and other opinion-shapers such as the media, have an understanding of and confidence in the work of the Tribunal. This implies a sustained and effective public information programme to explain the role and the work of the Tribunal and its relevance to Rwanda. However, for a number of reasons, reliance solely on traditional public information activities such as those referred to above would not suffice to ensure the successful delivery of such information within the country itself. The Outreach Programme was therefore conceived as a series of proactive projects complementary to the main public information activities of the Tribunal.

143. Given the high level of illiteracy in Rwanda, the low penetration of television and the limited availability of newspapers, the most effective form of mass communication is undoubtedly the radio. With additional support from a donor, the Tribunal has enabled a journalist from Radio Rwanda to be based permanently in Arusha to cover Tribunal proceedings. Judgements and other major events are transmitted live via a dedicated telephone link to Radio Rwanda in Kigali for broadcast within the country.

144. On the occasion of major events, such as the delivery of judgements, Appeals Chamber sittings and the opening of new trials, groups of up to six journalists are brought to the Tribunal by Tribunal aircraft from Kigali. In October 2000, the Outreach Programme enabled a journalist from Radio Rwanda to travel to The Hague to report on the Appeals Chamber judgement in the *Kambanda* case.

145. The focal point for the Outreach Programme is the Tribunal's information centre *Umusanzu mu Bwiyunge* in Kigali, which was inaugurated on 25 September 2000. It is located in a building donated by the Government of Rwanda and situated in the centre of Kigali. Heavy use is made of all the facilities in the centre by a wide spectrum of Rwandan society. In the first three months of 2001 the centre received over 6,000 visitors. Its Internet access (eight computers are currently available), the library and the collection of video archives of Tribunal hearings are particularly popular with its users. A steadily increasing range of documents in Kinyarwanda is also available. Other activities such as press conferences, briefings and a film show have taken place at the centre. Other activities planned include a seminar for journalists,

computer-assisted legal research training and an exhibition on the work of the Office of the Prosecutor.

146. In September 2000, a group of 20 Rwandan judges from courts throughout the country attended a week-long seminar organized by the Tribunal at its seat in Arusha. Two professors from the National University of Rwanda at Butare were enabled to carry out research at the Tribunal in Arusha and an annual programme of internships for students of the University has been instituted and is now in its second year.

147. The impact of such direct contact is considerable and almost all participants report that their misconceptions about the Tribunal have been dispelled and that they now have a much better understanding of the challenges it faces. Another measure of the success of these actions is that the authorities of Rwanda are eager to continue such visits, both of the judiciary (including prosecutors) and of other sections of civil society. These will include parliamentarians, regional and local government administrators, senior civil servants and members of the Unity and Reconciliation and Human Rights commissions. This programme of visits will be maintained and developed, ensuring as great a diversity as possible among participants and, in particular, selecting participants from among opinion leaders.

Gender issues and assistance to victims

148. During the period under review, a support programme was set up to provide rehabilitation and counselling to victims. Five Rwandan NGOs were selected because of their presence at the community level and their capability to extend the programme to various *préfectures*, to carry out the rehabilitation and counselling. The programme is managed by the Gender and Assistance to Victims Unit in the Office of the Registrar and began operations in 1999. Collaboration with local NGOs thus complements the work of the Registry in the area of witness support.

149. In the context of the support programme, a booklet titled "Testifying before the International Criminal Tribunal for Rwanda" was produced in three languages (Kinyarwanda, French and English) to permit witnesses and potential witnesses to understand the court proceedings, their rights as well as their obligations. The booklet serves ordinary Rwandan people, witnesses and potential witnesses, many of whom have never participated in judicial proceedings and who are likely to face difficulties in understanding and participating in the relatively complex judicial processes of an international criminal jurisdiction.

150. The Gender and Victims Assistance Unit seeks to promote gender balance in the Tribunal's recruitment process and has also maintained contacts with some donors and other United Nations agencies with regard to the Trust Fund. In that connection, a paper on fund-raising strategy was produced and, subsequently, a briefing session on project formulation was organized for senior officials of the Tribunal with a view to consolidating fund-raising strategies.

A. Judicial and Legal Services Division

1. Chambers Support Section

151. The existence of the Chambers Support Section as an independent section was occasioned by the perceived need to assist the Trial Chambers in their core functions of researching and writing decisions and judgements and to render direct assistance for the immediate needs of the judges. The Chambers Support Section assists the judges of the Trial Chambers and Appeals Chamber in the preparation of decisions, orders and judgements. The Section consists of lawyers who are conversant with current national and international humanitarian law and who possess a high level of skill in the drafting of legal documents.

152. The Section is now headed by two Senior Legal Officers and has a Jurist Linguist who assures the integrity of the translations of the judgements and decisions issued by the judges; three Trial Chamber Coordinators who coordinate the immediate judicial work of the Trial Chamber; and Associate Legal Officers who assist the individual judges to whom they are assigned.

153. The Section is also developing a career structure that will feature a promotion ladder for the professional development of Associate Legal Officers, allowing the Section to attract and retain incumbents of these very demanding posts.

154. In 2000, the three Trial Chambers produced some 200 written and oral decisions: up to the middle of 2001, the Chambers had given over 150 written and oral decisions. Each decision entails considerable pre-processing of the motions filed by the parties as well as research on the history of the matter and on the

relevant jurisprudence. After the initial judicial deliberations, drafts of decisions are usually prepared and discussed, amended in the light of these discussions and recirculated for further deliberation. Depending on the complexity of the issues raised by each motion, the process of preparing decisions may proceed through several drafts until the judges are satisfied with the results. Thus, the figures provided above reflect the result of a process that may have involved three or four times as many documentary drafts and weeks of research on each issue.

2. Court Management Section

155. The current reporting period has been characterized by a vast increase in court time relating to trials, resulting in the simultaneous use of all three courtrooms for trial sessions for the first time. The period has witnessed an intense revision and streamlining of internal court management procedures, resulting, among other things, in the forward monthly publication of the Judicial Calendar on the Tribunal's web site.

156. The three operational teams created in March 2000 to support each Trial Chamber have been strengthened. With the benefit of additional human resources, the court management coordinators have put new procedures into practice which provide greater support to the Trial Chambers and the parties. The handling of the work of the three Trial Chambers by individually assigned teams has provided increased efficiency in court management operations. Among other things, it has allowed for readily accessible pending motions lists, more efficient liaison with the Trial Chambers and parties with regard to scheduling matters as soon as they arise, the possibility of a rolling calendar for each Trial Chamber which can be integrated into the consolidated judicial calendar for official publication before the beginning of the month, closer supervision of the service of documents on parties, and the consolidation of correspondence relating to each case into a common Registry-wide correspondence file which is scanned into the TRIM database. The team approach to servicing a Trial Chamber has enabled increased participation in the revision of work practices at all levels, with an increased focus on the provision of training to all team members.

157. The eighth plenary session, held in June 2000, adopted rule 117 bis, allowing for parties to file documents either at The Hague or in Arusha. This development required a revision of all operating systems and resulted in the establishment of a court management subunit within the Appeals Chamber Support Unit at The Hague. Furthermore, the Appeals Unit in Arusha, formerly operating entirely with borrowed posts, has now benefited from two posts established by the General Assembly in the Tribunal's budget for 2001, while the remainder of the team consists of staff under general temporary assistance. As a result of these developments, a mirror of court management functions in Arusha is fulfilled by the Tribunal's Registry staff at The Hague, including a dual filing system.

158. The electronic record keeping system, TRIM, continues to improve access to the judicial records and digitization continues on a daily basis. Training of users throughout the Tribunal, providing help-desk services and the development of documentation in the use of TRIM continues. Work has been initiated to enable remote external users to access the judicial documents via the Internet. These users will include the Appeals Unit at The Hague, the Office of the Prosecutor in Kigali and the general public.

159. The audio-visual collection has seen major improvements in the method of storage and arrangement. The plan to digitize these records is well advanced and will improve the preservation of the records.

3. Court Reporting Unit

160. During the reporting period, two supervisors have joined the English and French pools of reporters respectively and have made an encouraging start in establishing a roster system of teams within each language pool covering the courtrooms. The additional staff has allowed for a revision of standard practices. A plan for the harmonization and upgrading of equipment has been devised, together with a comprehensive training programme. The production of in-house reference manuals is under way, as are regular briefings and other training initiatives aimed at increasing accuracy and turnaround time. A 48-hour turnaround target for court transcripts is consistently being met, although the continued achievement of this target is subject to the maintenance of staffing levels at the budgeted level of 24 Court Reporters. A feasibility study regarding the production of transcripts in "real time" is under consideration. Concerted efforts have

been made to retain staff and innovative advertising avenues have been explored, resulting in all 26 posts being fully encumbered in May 2001 despite the high attrition in this area.

4. General Legal Services Section

161. During the period under review, the Section has continued to provide legal advice to the Tribunal on wide-ranging issues involving the Tribunal and third parties.

Agreements and contracts

162. The Section has advised and participated in the negotiation and successful conclusion of two new agreements: an agreement between the United Nations and the Government of the United Republic of Tanzania on the expansion of the Tribunal's Detention Facility in Arusha, and an agreement between the Tribunal and the Seventh-Day Dental Health Services (United Republic of Tanzania) for the provision of dental health services to the staff members of the Tribunal.

163. During the reporting period the Section also reviewed the contract between the Tribunal and Rajair Travel and Tours for the provision of travel agent services to the Tribunal.

Legal advisory services

164. As in-house counsel to the Tribunal, the Section rendered legal advice on a wide range of issues affecting staff members, such as labour-related issues involving staff members and their domestic workers, landlord/tenant and lease agreements entered into between staff members and other local suppliers of essential services such as electricity and water, and road traffic accidents, some of them fatal, involving staff members and third parties.

165. The Section also reviewed and advised on a number of administrative and management decisions affecting staff members, in particular in relation to the job classification exercise undertaken by the Tribunal during the reporting period.

Warrants of arrest

166. During the period under review, warrants of arrest were successfully executed in respect of the following persons:

- Samuel Musabyimana, arrested in Kenya on 26 April 2001 (case No. ICTR-2001-62-I);
- Sylvestre Gacumbitsi, arrested in the United Republic of Tanzania on 20 June 2001 (case No. ICTR-2001-64-I);
- Jean Mpambara, arrested in the United Republic of Tanzania on 21 June 2001 (case No. ICTR-2001-65-I);
- Simeon Nshamihigo, arrested in the United Republic of Tanzania on 19 May 2001 (case No. ICTR-2001-63-I).

Coordination of the ICTR Internship Programme

167. A total of 135 internship applications from 22 countries (Benin, Canada, Czech Republic, Denmark, Ethiopia, India, Iraq, Jamaica, Kenya, Netherlands, New Zealand, Sierra Leone, South Africa, Sri Lanka, Sweden, Switzerland, Trinidad and Tobago, Uganda, United Kingdom, United Republic of Tanzania, United States of America and Zambia) were reviewed, with 105 accepted and placed as interns with various sections and units of the Tribunal. In addition, 33 more placements have been made up to 30 April 2002.

168. The internship programme has made positive two-way contributions to the Tribunal and sponsoring universities and other organizations. However, concerns about the low numbers of interns from African countries resulted in a grant from the University of Notre Dame, Illinois, United States of America, to the Tribunal to cover the expenses of African students/ lawyers who may not be able to participate in the programme due to financial constraints. The grant was made available by the Open Society Institute to enable young African lawyers to gain practical experience in the public sector domain and acquire first-hand experience in the field of international criminal justice, human rights and international law. To date eight African students and lawyers from the United Republic of Tanzania (4), South Africa (1), Benin (1), Uganda (1) and Kenya (1) have benefited from the grant.

5. Witness and Victims Support Section-Prosecution (WVSS-P)

169. On 7 March 2000, the Witnesses and Victims Support Section was divided into two subsections,

namely WVSS-P (prosecution witnesses only) and WVSS-D (defence witnesses only).

170. The current reporting period has seen the largest number of witnesses that testified before the Trial Chambers since the Tribunal commenced its operations. This trend will continue and it is expected that the number of prosecution witnesses will increase as a number of new trials start in the coming months.

171. During the period under review, WVSS-P produced a total of 93 prosecution witnesses in six different trials, of which 15 have been detainee-witnesses from various prisons within Rwanda, 3 have been expert witnesses and 3 have been unprotected witnesses. The remaining 72 witnesses have all been protected witnesses.

172. For the first time, WVSS-P, in conjunction with the Office of the Prosecutor, arranged for a deposition to be taken from a witness in hospital who was unable to appear before the Trial Chamber due to illness.

173. The Section is continuing its post-trial monitoring activities in Rwanda, as the vast majority of protected witnesses for the prosecution come from there. As increasing numbers of witnesses are being called to testify before the Trial Chambers, the Kigali office of WVSS-P is also receiving more witnesses and a great deal of preparatory work has to be undertaken. Many witnesses are receiving counselling and medical assistance.

174. WVSS-P continues to build on negotiated cooperation with Member States for the issuance of temporary travel documents to allow witnesses to travel to and from Arusha. The assistance the Tribunal receives from the Government of the United Republic of Tanzania is continuous and facilitates the smooth entry and exit of witnesses through Kilimanjaro International Airport at Arusha.

175. WVSS-P, in conjunction with the Electronic Data Processing/Management Information Systems Section of the Division of Administration, is developing a common database that will allow for greater efficiency and security of information with respect to witnesses and their movements. During the period under review the staffing level of the Section was increased, to deal with its vastly increased workload.

6. Witness and Victims Support Section-Defence (WVSS-D)

176. During the reporting period WVSS-D intensified its post-trial monitoring activities in the countries of residence of the witnesses appearing before the Tribunal. Many witnesses also enjoyed a wide range of assistance aimed at improving their psychological rehabilitation. Throughout the period the Section pursued a vigorous policy of building a long-term framework of cooperation with many countries where witnesses may reside. Efforts are under way to attract more countries to accept for relocation in their territories witnesses who may find themselves at risk as a result of having testified before the Tribunal.

177. The Section also successfully enlarged its network of countries willing to cooperate with the Tribunal in the area of witness protection management. This proactive policy has resulted in significant achievements, including the ability of witnesses to travel to the Tribunal, irrespective of their status in the countries in which they live. During the period under review, WVSS-D brought to and returned from Arusha a total of 19 witnesses who testified in two trials. Those witnesses came from 11 countries in Africa and 4 countries in Europe. In many of the cases, WVSS-D had successfully negotiated with the Government concerned the issuance of temporary travel documents for the witnesses. Most of the witnesses were refugees in the countries in which they lived. Without the cooperation of countries such as Benin, the Congo, France, Kenya, Mauritania, Mozambique, Swaziland, Rwanda, the United Kingdom and Zambia, none of the witnesses would have been able to testify before the Tribunal. The Government of the United Republic of Tanzania also provided continuous assistance with regard to the facilitation of the entry and exit of the witnesses.

178. WVSS-D has enjoyed excellent cooperation with the regional offices of the United Nations High Commissioner for Refugees, which have assisted the Tribunal in facilitating the movement and protection of witnesses in countries such as Benin, the Congo, Kenya, Swaziland and Togo.

179. WVSS-D has also completed an Operational Guidance Manual that will serve as a reference book for defence counsel and experts in the field of witness protection, in the context of international criminal justice.

180. The approach adopted by WVSS-D in the management of its operations is characterized by the enhancement of the skills and career development of its personnel. A training programme for staff of the Section covering English language training, firearms qualification and closed circuit television training has been successfully completed.

7. Lawyers and Detention Facilities Management Section

181. In accordance with the minimum guarantees afforded to an accused and in the interest of justice, 22 counsel were assigned by the Lawyers and Detention Facilities Management Section to represent indigent accused persons during the period under review, bringing the number of counsel currently assigned by the Tribunal to 72. These counsel come from Belgium, Burkina Faso, Burundi, Cameroon, Canada, the Democratic Republic of the Congo, France, Guinea, Italy, Kenya, Mauritania, the Netherlands, Togo, Tunisia, the United Kingdom, the United Republic of Tanzania and the United States. Defence counsel play a vital role in providing legal representation to accused persons appearing before the Tribunal.

182. The Section faced several challenges during the period under review, including the rationalization of the legal aid scheme for indigent accused, in the light of concerns expressed by Member States with regard to the rising costs of the scheme; the provision of support for defence teams and the maintenance of an appropriate and effective regime for the Tribunal Detention Facility; investigations of claims of indigence by detainees; and administrative controls relating to the recruitment of defence teams.

Rationalization of legal aid

183. The Section has had to balance the reality of budget constraints against the need to avoid prejudice to indigent accused persons. In this regard, a proposed new system of payment to defence counsel is under review by the Registrar. New guidelines on the selection of co-counsel have been established in order to reduce the possibilities for abuse of the system. With a view to reducing costs, the Section has restricted the travel of defence assistants and investigators to the coordination meetings between members of the defence team and the accused in Arusha, as well as to hearings and trials.

184. Conflicts between defence teams and their clients have become an increasing feature at the Tribunal. Several defence teams are facing difficulties with their clients resulting from allegations of violations of the code of ethics, lack of competence, lack of cooperation and loss of confidence. Such tensions between counsel and client have ultimately led to requests for withdrawal of counsel emanating from the accused. In some instances, accused persons have requested the withdrawal of their co-counsel, although the relevant rule provides that these requests may only be made by lead counsel. During the period under review, five lead counsel were withdrawn for reasons constituting exceptional circumstances; one of these was discharged as a sanction for lack of full-time availability to the case of her client, in breach of the lawyer's undertaking to the Tribunal upon assignment as defence counsel. Nine co-counsel were withdrawn, five of whom were discharged on similar grounds.

Enforcement and revision of regulations of the United Nations Detention Facility

185. In the light of the findings and recommendations of the 1 February 2001 report of the Office of Internal Oversight Services on the investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the Tribunal and ICTY (A/55/759), the Registry has taken a number of measures to streamline the regulations of the Detention Facility, with a view to curbing the offering by defence teams of expensive gifts to detainees. An important measure instituted recently in this context is the systematic search of defence assistants and investigators visiting the Facility.

Investigation of claims of indigence

186. It is recognized within the Tribunal that the Registry's ability to make fully informed decisions on claims of indigence by detainees depends on its having a significant investigative capacity for this purpose. At present, the Tribunal does not have adequate human resources to conduct such investigations and has requested such resources in its budget submissions in the past without success. It is essential, as recommended by the Office of Internal Oversight Services in its report, that posts for the position of investigators with asset-tracking experience be granted to the Registry by the General Assembly for the purpose of effective investigation of claims of

indigence by detainees prior to the assignment of defence counsel at the Tribunal's expense. In the interim, the Registry has transmitted letters to the authorities of various Governments requesting their collaboration in tracing whether the suspects or accused apprehended within their borders have any fixed or current assets. However, a response has been received from only one Government.

Administrative oversight of recruitment of defence teams

187. While members of defence teams, such as defence investigators, are not staff members of the Tribunal, but independent contractors hired by defence counsel, the Tribunal has taken measures to ensure more effective administrative control over their recruitment before approving such appointments. All prospective defence investigators are now required to provide an undertaking that they are not relatives of any detainee of the Tribunal. Security screening of potential investigators has been markedly increased by the Registry with the assistance of relevant national authorities.

8. Legal Library and Reference Section

188. The Legal Library and Reference Section continued to expand its range of services and increase its collection of books and other materials during the period under review. The Library endeavours to be more proactive and efficient in its information dissemination process by using electronic delivery, a trend that meets the requirements of the Tribunal's Administration for paper reduction.

189. New electronic products were acquired (online databases, electronic dictionaries, etc.) through the United Nations Consortium of Libraries. These services are being made accessible to all staff on the Library's web page, which has been continuously developed since its creation in 2001.

190. A major achievement in the activities of the Legal Library and Reference Section during the reporting period was the production of a bilingual CD-ROM entitled "ICTR Basic Documents and Case Law 1995-2000". In addition to featuring the Tribunal's decisions and basic texts, the CD-ROM also contains United Nations documents on the Tribunal and various other Tribunal publications. Some 1,800 documents can henceforth be retrieved by browsing or by searching the CD-ROM. This significant development has definitively solved the problem of the inadequate availability of the Tribunal's judicial decisions and other documents previously experienced by researchers and other individuals and institutions interested in the work of the Tribunal.

191. Since November 2000, the Legal Library and Reference Section has been part of the network of United Nations small and field libraries, an initiative led by the Dag Hammarskjöld Library at Headquarters. Regular discussions are held in which experience is shared among information professionals in the United Nations system on the mailing list of the United Nations Special Interest Group on Library and Information Services (List-serve).

192. The Library has also continued to publish and distribute its flagship publication *The ICTR Library Quarterly Bibliography* both in print and electronically. The number of requests for selected dissemination of information (SDI) and reference questions has continued to grow steadily, following an increase in staff in all sections of the Tribunal. The appointment of a new staff member during the period under review has enabled the Library to address the growing numbers of information queries, although additional human resources are needed to speed up the information-processing mechanism.

B. Division of Administration

193. The Division of Administration is primarily responsible for providing services for all activities of the Tribunal in the areas of human resources management, budget, finance, language and conference services, general services, transport, communications, information technology, security services, procurement and buildings management services. The Division is under the overall direction of the Registrar and the immediate managerial supervision of a new Chief of Administration, who was appointed in September 2000. During the period under review, the Division implemented numerous organizational initiatives, as well as various other measures to enhance the provision of support services to the Chambers and Office of the Prosecutor.

194. The General Assembly in its resolution 54/240 A of 23 December 1999 appropriated US$ 86,154,900 gross ($78,170,200 net) for the Special Account for the

International Criminal Tribunal for Rwanda for the period from 1 January to 31 December 2000. This budget authorized 810 posts, an increase of 38 posts over the previous year. In 2000, total expenditure amounted to $83,144,800 gross ($75,817,300 net) and resulted in an unencumbered balance of $3,010,100 gross ($2,352,900 net).

195. Voluntary contributions to the Trust Fund to support the activities of the International Criminal Tribunal for Rwanda was established pursuant to General Assembly resolution 49/251 of 20 July 1995 and in response to Security Council resolution 955 (1994) of 8 November 1994. During the period under review, the Tribunal, through its Trust Fund, provided funding and resources to support numerous new projects that were directly related to the fulfilment of its mandate. These programmes include the connectivity of the evidence database software applications; the conversion of documents into a digital medium; a project for the preservation of evidentiary materials of the Office of the Prosecutor; acquisition of equipment for the reproduction of courtroom exhibits; and funding for a trial strategy workshop organized the Office of the Prosecutor for its legal staff. To date, cash contributions to the Voluntary Fund from 19 contributors have amounted to $8,051,522. As at 31 December 2000, the Tribunal's Trust Fund reserve and fund balance totalled $3,382,923 net. An income of $705,837 and a 13 per cent programme support cost of $57,200 were recorded for the period under review and the approved appropriation for the year amounted to $939,039.

Information technology

196. While the Administration continued to pursue substantive reform and improve the efficiency as well as the cost-effectiveness of its operations, efforts were primarily focused on the enhancement and modernization of the Tribunal's information and communication technology systems.

197. In the area of information systems technology, the Tribunal sought to automate as many routine operational functions as feasible. Thus, the management of the Finance Section was greatly enhanced by the adoption and customization of a payroll and accounting system patterned after that of the United Nations Office at Nairobi. Similarly, the installation of an updated version of the Sun Accounting System significantly streamlined the accounting functions of the Tribunal. Additionally, the feasibility of automating certain administrative functions in the personnel area such as the installation of the Field Personnel Management Systems was explored with a view to reducing staffing requirements. Significant changes that reduced the workload of various sections included the implementation of an online help desk, an electronic method of processing education grants, a classification rating sheet, and the installation of the performance appraisal system (PAS) on the Tribunal's network. In the area of procurement services, effective 1 January 2001, the Tribunal introduced the Reality procurement management software package, which is used within the United Nations system for processing requisitions and purchase orders for the procurement of goods and services. The Procurement Unit also initiated and compiled a procurement plan, thus facilitating bulk and consolidated purchases for Arusha and Kigali.

Communications

198. The Tribunal began procurement of the audio-visual equipment for the third courtroom. As at 31 December 2000, while the majority of the highly sophisticated equipment had been installed, certain manufacturers had not met proposed deadlines for delivering the required components due to lack of availability. It is anticipated that all the remaining minor parts will be secured and installed in the near future and that the three courtrooms would be equipped with similar audio-visual capabilities.

199. During the period under review, the Tribunal addressed its recurrent communications connectivity problems by initiating negotiations with the Field Administration and Logistics Division of the Department of Peacekeeping Operations at Headquarters to increase its bandwidth by directing an additional satellite through the United Nations Logistics Base in Brindisi, Italy. In Arusha numerous other activities were completed in line with the thrust of the ICTR Administration to overhaul the Tribunal's communications systems. These activities included, inter alia: the centralization and installation of a new telephone network, the installation of a new telephone exchange at the United Nations Detention Facility, the implementation of a new telephone billing software package, the nearly completed installation of the voicemail component of the PABX system and the

issuance of updated telephone directories for Arusha and Kigali.

200. In its effort to further the effective management of Tribunal resources, ICTR closed its communications compound in Kigali, resulting in monthly savings of $5,000 for the Tribunal. Additionally, the installation of 75 telephones for the new prefabricated offices was completed. During the reporting period, the Communications Unit in Kigali also provided communication support for the new ICTR Information and Documentation Centre and routine maintenance for countrywide communications for the Security and Safety Section and for the Investigations Division (Office of the Prosecutor).

Security and Safety Section

201. In the areas of security and safety, a review of the physical security at the Tribunal's headquarters was undertaken, with a view to identifying areas within security operations where the improvement of technical security was required. As a result of the review, extensive improvements are planned, such as the installation of an electronic access control system. Once the system is installed, all staff members will be issued a coded identification card that will automatically allow the bearer to gain access to Tribunal premises. This initiative will reduce the necessity to employ contract-security services and will also result in substantial savings.

202. The reporting period also saw an increase in the office space required to accommodate new staff members. As the Tribunal's offices are now located in two wings of the Arusha International Conference Centre, the demand for additional Security Officers has in part been reduced by the installation of a 32-camera closed circuit television system. From the Tribunal's around-the-clock control centre, Tribunal Security Officers can monitor and control many areas where staff and equipment are located. An upgrade in the system for a further 16 cameras is planned for the near future.

General Services Section

203. During the period under review, the General Services Section focused on consolidating and reinvigorating the work of the various units under its purview. In the area of official travel, the processing of the PT.8 form was automated to improve the timeliness of travel authorizations. Greater emphasis has been placed on the control of the Tribunal's assets and the unit responsible for this control, the Property Control and Inventory Unit, has undertaken a complete inventory by recording 6,000 non-expendable and special items. A central database has been implemented in all self-accounting units. Additionally, in order to provide adequate support to the Office of the Prosecutor in its inventory efforts, frequent consultations are held with the Kigali office to facilitate a comprehensive and accurate overall Tribunal inventory database.

Buildings Management Unit

204. Buildings management services (BMS) were carried out during the period under review, completing such major projects as the construction of a log-base, the establishment of a BMS workshop and stores facility, the refurbishment of additional offices on four floors acquired from the Arusha International Conference Centre, the renovation of the information Centre (Umusanzu mu Bwiyunge) in Kigali, the construction of additional visitors/lawyers booths at the United Nations Detention Facility and the completion of a new parking area at the Amahoro compound. Two additional projects, the erection of 75 prefabricated offices and the completion of a perimeter fence wall around the Kigali compound, were also finalized during the reporting period. These projects have solved the office accommodation problems previously experienced by the Tribunal's Kigali office.

Human resources management

205. In the area of human resources management, the Tribunal encountered daunting challenges during the period under review. As at 30 April 2001, the Tribunal had a total incumbency of 716 staff members against 872 authorized posts; i.e. 156 vacancies, resulting in a vacancy rate of 18 per cent. In terms of geographical diversity, a total of 84 countries were represented in the Tribunal's staffing, 41 countries from outside Africa and 43 from the continent. With regard to gender representation at the Professional level, of a total of 258 Professionals, 72 were female and 186 male staff members. At the P-5 level and above, 2 out of 19 staff were female, amounting to a ratio of 11 per cent of the total incumbency of those posts. Unfortunately, the Tribunal continues to experience a high attrition and separation rate. In 2000, the Tribunal lost 83 staff

members, and by 30 April 2001 had lost 13 staff members through resignations, non-extension of contracts, retirement, etc. From a human resources management perspective, this attrition rate has adverse effects on the vacancy rate and recruitment strategies.

206. A two-year contractual arrangement for the Tribunal's staff was introduced, beginning 1 January 2001. The new arrangement is expected to attract and retain the best-qualified candidates, thus impacting positively on the vacancy rates and reducing the Personnel Section's workload generated by the one-year contractual cycle.

207. With regard to human resources development and training at the Tribunal, a total of 93 courses were conducted in 2000. As at 30 April 2001, a total of 47 courses had been conducted so far during the year. The training courses offered are in areas as orientation, processing of entitlements, language development, security issues, the performance appraisal system and information technology. In addition, in 2000, 172 candidates sat for pre-employment examinations. Between 1 January and 30 April 2001, 414 candidates were tested.

208. During the period under review, a new support structure was established in the human resources management area. The Information and Records Management Unit was created to address extra challenges of information management in the Personnel Section. Its primary responsibility is the management of the official status files and personnel records, the staffing table, implementation of the electronic records management system, provision of internal control functions (implementation of audit reports), computerization of the operations of the Personnel Section, and the preparation of quarterly and annual reports. To date, several information management and computerization projects have been initiated.

209. The computerization of the personnel procedures in the Tribunal was initiated in 2000 through, inter alia, the implementation of the Field Personnel Management System. The system has improved the efficiency and accuracy of personnel actions, statistics and related issues. Some of the noteworthy modules of the database cover: selection and recruitment, staff management, post management, personnel actions, leave records, travel, performance reports, medical records and look-up tables.

210. Another important achievement in the area of human resource management was the additional delegation of authority granted to the Tribunal in 2000 over the following areas of administration: education grant, language proficiency, benefits and allowances and delegation of authority in classification matters. The Office of Human Resources Management at Headquarters was required to monitor the implementation of this delegation of authority on a regular basis, through on-site monitoring missions to the Tribunal. A monitoring mission was expected to take place in the course of 2001.

VII. Conclusion

211. The period under review saw a remarkable improvement in the performance of the Tribunal. The work of the Tribunal has accelerated and its output has multiplied. Six trials involving 15 accused were in progress during the period, with all three Trial Chambers actively engaged in trials. In addition to the trial activities, the Trial Chambers have ruled on a large volume of pre-trial and interlocutory motions. The Tribunal has demonstrated its ability to render fair and expeditious justice, with full respect for the rights of the accused, as well as due regard for the protection of victims and witnesses.

212. Through its jurisprudence, the Tribunal has shown that international criminal justice is a reality and that the establishment of an internationally recognized system of justice provides a new avenue of recourse in a world that desperately needs the rule of law, as an alternative to the use of force. The Tribunal plays a significant role in developing international humanitarian and criminal law, as many of the substantive legal issues adjudicated by its Trial Chambers have not been decided before, and this emerging jurisprudence will serve as precedent and impetus for the International Criminal Court and the judicial Tribunals being established by the United Nations for Sierra Leone and Cambodia.

213. During the period under review, the Tribunal had 48 accused in custody who are either currently being tried or are awaiting trial. From the investigative strategy outlined by the Prosecutor, it is estimated that, by 2005, 136 new accused will be appearing before the Tribunal. The Prosecutor alleges that these people held the highest positions of leadership and authority and played prominent roles in events falling within the

jurisdiction of the Tribunal. If these projections materialize, a drastic increase in the workload of the Tribunal will ensue, and even with its present resources operating at full capacity, the Tribunal will not be in a position to complete these trials in a reasonable time and in accordance with the rights of the accused, particularly the right to be tried without undue delay. Further, because of their alleged positions and roles during the events of 1994, the trials of these suspects are expected to be factually and legally complex, which could result in lengthy trials.

214. The President, the judges and the Registrar discussed this projected workload at length during the period under review and agreed that the Tribunal would be better equipped to handle this workload if the composition of judges were increased. The President submitted a proposal in that regard to the Secretary-General, to be forwarded to the Security Council for consideration. An amendment of the Tribunal's Statute was proposed to allow for the creation of a pool of 18 ad litem judges, with a maximum of 9 judges at the seat of the Tribunal at any one time. The intention is that some of the ad litem judges would form additional sections within the existing Trial Chambers to commence hearing the outstanding cases and to attend to pre-trial and interlocutory matters. These judges might also substitute for judges unable to continue sitting in part-heard cases, for reasons such as ill-health or because it was procedurally or ethically undesirable for the substituted judge to sit in a particular case.

215. Besides its judicial work, the Tribunal remains actively seized of the process of national reconciliation in Rwanda, by carrying out various outreach programmes within the territory of Rwanda, including a programme involving the dissemination of information concerning the activities of the Tribunal with a view to explaining to the Rwandan people the role of the Tribunal in relation to the events of 1994 that led to the killing of hundreds of thousands of people. Several other initiatives are being considered for the purpose of bringing the judicial process closer to the people of Rwanda. This will afford them the opportunity to be a part of this process and to witness the perpetrators of the atrocities in their country being held accountable for their actions. These initiatives, together with the ongoing work of the Tribunal, will continue to heal and reconcile the Rwandan nation.

216. The present report is submitted by the President of the International Criminal Tribunal for Rwanda to the Security Council and the General Assembly, in accordance with article 32 of the Statute of the Tribunal.

Judge Navanethem **Pillay**
President
International Criminal Tribunal for Rwanda
Arusha, United Republic of Tanzania
31 July 2001

Notes

[1] Article 11 of the Tribunal's Statute, as amended by annex II to Security Council resolution 1329 (2000).

[2] President's Order of 1 June 2001 on the assignment of two judges to the Appeals Chamber.

[3] Trial Chamber I comprised Judge Erik Møse (presiding), Judge Asoka de Zoysa Gunawardana and Judge Mehmet Güney.

[4] Security Council resolution 1329 (2000).

[5] At the tenth plenary meeting of the judges, on 31 May 2001, Judge Pillay and Judge Møse were re-elected President and Vice-President, respectively, for a second term.